

1869-001 Chancery Causes: Heirs of Benjamin Dickinson vs. Joseph D. Graham & wife  
Lee Co.

France, Martin, Childs

- Deed

CA - Estate Dispute  
T-Property



To The Honorable George W. Hopkins Judge of the Circuit  
Court of the County of Dec, the bill of Complaint of Christian M.  
France and Mary E. his wife, who was formerly Mary E. Dickinson,  
Abelton R. Dickinson and Emily C. his wife, who was formerly Emily  
C. Dickinson, Benjamin D. Martin transferee of Elbert S. Martin  
and Martha A. his wife who was formerly Martha A. Dicki-  
nson Dickinson, and Benjamin D. Martin and Edwin D.  
Transferees of Benjamin Childs and Leticia his wife, who was  
formerly Leticia Dickinson, The said Mary E. France, Emily C.  
Dickinson, Edwin Dickinson, Martha A. Martin, and Leticia  
Childs, being the Children and heirs at law of Benjamin Dic-  
kinson late of said County deceased, the said Edwin Dickin-  
son being an infant under twenty one years of age, does by Wil-  
liam S. Martin his next friend and Guardian, humbly Com-  
plaining sheweth unto your Honor, that shortly before the death  
of your Orelor's and Orelor's said ancestor and predecessor,  
purchased from one Joseph<sup>D</sup> Graham then of this Coun-  
ty but now a Resident of the State of Kentucky, his interest in cer-  
tain adjoining tracts of land lying and being in said County on the  
north side of Walling's Edge South side of Powell's Line which  
had descended to the four heirs at law of James Graham  
deceased, the said Joseph being one of the said heirs, and he  
having then purchased the interests of two other of the said  
heirs, namely William Graham and Elisha V. Walling and  
Lane his wife, who was formerly Lane Graham, so that the  
said Benjamin Dickinson purchased from the said Joseph D.  
Graham, three undivided fourths of the said land, having  
previously purchased the other fourth thereof from Pierce  
S. Ketherford & wife. The said Benjamin Dickinson was to  
give to the said Joseph<sup>D</sup> Graham \$ for the land thus  
purchased from him, nearly all of which has been paid to  
him, and the balance will shortly be paid. Shortly after said  
purchase, the said Joseph D. Graham and his wife  
executed a deed to the said Benjamin Dickinson, for the said  
land, (which are described in the said Deed and a description



of which, your Orators & Oratrices will hereafter file, by which the said Joseph D. Graham & Wife, conveyed the said lands to the said Benjamin Dickinson in fee simple with general warranty and acknowledged the said deed in the Clerk's Office of this County before the deputy Clerk of the County Court thereof to be recorded. His said Wife, having, by the said Deputy Clerk, been examined privately and apart from her said husband, the law clerk, who declared that she had voluntarily, willingly, without any coercion from her said husband, executed the same. The execution, the date, and the acknowledgment of the said deed were all on the same day, to wit, on the 30<sup>th</sup> day of September 1857.

After the said deed was thus acknowledged in the Clerk's Office, for record, and before the Clerk had recorded it, it became lost, and can never since be found, either in the Office, or in the hands of those interested in the title to the said lands. And there is no other writing in existence, nor ever was, shewing that the said Benjamin Dickinson, and the claiming under him, <sup>had, or</sup> have any interest, either legal, or equitable in the said lands under the said purchase. And the said Graham and Wife are now living out of the State, at a great distance from here, and even if so disposed, about which your Orators and Oratrices, are altogether ignorant, they can not now be called upon to execute another deed. (V<sub>3</sub>)

Your Orators & Oratrices being without any remedy at law, and being alone relievable in a Court of Chancery, therefore pray that the said Joseph D. Graham and Wife may be made parties defts. to this bill, and be required to answer the several allegations thereof, on oath or specifically as if the matters thereof were repeated and interrogated.

That your Honor will make a decree permitting your Orators and Oratrices to prove fully the contents of the said lost deed, and that the same be set up, and ordered to be recorded by your Honor, upon proof of its execution as aforesaid, and that such other & further relief may be extended to them in the premises, as their Case may require, and the Court is able to afford, and ~~as is duty~~ May the Court's writ of specific performance, and

order of publication be made in the above defts. And as in duty lie.

Shant for Compts.

W<sub>3</sub>. Your orators and oratrices will further state to your Honor that almost immediately after the execution of this deed in the manner as stated, the said Joseph Graham and Wife delivered possession of the said lands to the said intestate, Benjamin Dickinson, which possession the said intestate held until after his death, and your orators and oratrices, (his heirs at law) and those claiming under them have held continuous and uninterrupted possession thereof ever since, and ~~still so held~~ the death of the said Benjamin, and still hold such possession.



Dickinson's heirs & others

E. B. B. B.

Joseph D. Graham Master

1853 Nov. Bill filed  
and Decree N. G. Court.  
Dec. D. Court. Gordon  
publication

1854 Jan. Feb. March and

April continued

May June, July, Aug. Sept.

Oct. Nov. Dec. Continued

1855 Continued 1856 "

1857 " 1858 Jan. Feb.

Mar. Apr. May. June Continued

July cont'd Aug. Cont'd Sept. Cont'd

Oct. Cont'd. Nov. Dec. Cont'd

1859 Jan. Feb. March. April. May. Cont'd

Chs to May 1866 = 15 1/2



Benjamin Dickinson's heirs et als, <sup>peffors</sup>  
against  
Joseph D. Graham et als. <sup>defts</sup>

This cause came on this day again  
to be heard upon the papers formerly  
read in the cause and the report of  
Suburn L. Pickemore special commis-  
sioner - and was argued by counsel.

And it appearing to the court that  
the said Commissioner discharged his  
duty by making a deed of conveyance  
of the lands in the proceedings ~~in the~~  
mentioned to the heirs of Benjamin  
Dickinson deceased, and there being  
no exceptions to said report the same  
is confirmed, and <sup>said deed being inspected the</sup> same is ordered  
to be placed in the hands of the clerk  
of the County Court for recordation.

On consideration of the premises it  
is decreed, that the said deed of  
conveyance shall have all of the  
effect and virtue, of the last deed in  
the proceedings mentioned; and shall  
not affect any alienations transfers  
or assignments, made by the heirs  
of Benjamin Dickinson deceased, to  
the Court conveyed; but the said alien-  
ations, transfers, and assignments, shall  
hold according to their right in law  
and equity. And no further action  
being necessary the cause is stricken from  
the docket.



B. Dickinson's heirs

vs

} Decree final

Joseph L. Graham

Apr 5 1869

Enter this decree

John W. Johnston

May 11 1869

Entered p 78

H. J. Morgan D.C.







by a decree rendered in this cause, <sup>at</sup>  
the <sup>September term</sup> 18th day of Sept, 1867. And report  
to this term of the court.

B. Dickinson hirs <sup>(58)</sup>  
vs } Pierre.

Joseph Graham et al

Enter this decree  
John W. Johnston  
April 28. 1869

Entered April 28th 1869  
H. J. Morgan D.C.

Chd 1871



Dickinson's heirs & co. }  
In Chancery.

Joseph S. Graham & wife }

This cause came on to be heard upon the Bill of Complaint, and the depositions of witnesses, and was argued by Counsel — On Consideration whereof, the Court ~~doth~~ <sup>appearing</sup> order ~~and decree~~ that it, ~~doth~~ <sup>appearing</sup> to the Court that the defendants, who are non-residents of this Commonwealth have been notified by <sup>an order of</sup> publication duly posted, published and completed more than one month before the present term of this Court, and that this cause has been regularly matured at rules by decree nisi and judgment pro Confesso, and has been set for hearing, <sup>and yet further appearing</sup> ~~the Court doth~~ to the Court that Joseph S. Graham & wife, the defendants did about the day of 1851 or 1852 execute, <sup>and</sup> acknowledge in due form of law so as to convey the legal title and bar the wife's right of dower by her jury examination acknowledgment and declaration, and that the said deed was delivered to the said Benjamin Dickinson in his life time, and was subsequently lost, before it was admitted to recordation — the Court doth therefore order adjudge and decree that James G. Rose ~~be~~ <sup>and</sup> who is hereby appointed a Commissioner for the purpose do execute a deed, conveying the fee simple legal title, with special warranty, of the <sup>undivided</sup> ~~said land~~ three fourths of the tract of land in the proceedings and depositions mentioned from the said Joseph S. Graham and wife to the complainants, and that he make report to the present term of this Court.



Dickinson heirs & co

27  $\frac{1}{3}$  Decer

Joseph D. Graham

Entered this 18th day of  
Sept. 1867. Order Book  
Page 495.  
H. J. Morgan Clerk

Enter this done

J. H. C.  
Sept 18th 1867

And 154



Virginia.

At Rules held in the clerk's office of <sup>the</sup> Circuit Court  
of Lee County, on Monday the first day of ~~August~~<sup>March</sup>  
1861.

Christian M. France and Mary E. his wife.  
Absalom R. Dickinson and Emily C. his  
wife, Benjamin D. Martin transferee of  
Elbert S. Martin and Martha A. his wife.  
and Benjamin D. Martin and Edwin Dickinson  
transferees of Benjamin Childs and Leticia  
his wife, the said Mary E. France, Emily C.  
Dickinson, Edwin Dickinson, Martha A. Martin  
and Leticia Childs being the children and  
heirs at law of Benjamin Dickinson deceased,  
the said Edwin Dickinson being an infant under  
twenty one years of age sued by William S. Martin his  
next friend and guardian. Complainants.

against

Joseph D. Graham & wife

Defendants

} Enchy

The object of this suit is to obtain a decree, permitting the  
Complainants to prove fully the contents of a lost deed, in  
the Complainants bill mentioned, and that said deed be set  
up, and ordered to be recorded, by this Court; And it appear-  
ing by satisfactory evidence, that the defendants are not  
residents of this Commonwealth, It is ordered that they  
appear here within one month after due publication of this  
order, and answer the bill of Complainants, or do what is  
necessary to protect their interests, and that a copy of  
this order be forthwith inserted in some newspaper published  
in this Commonwealth for four successive weeks, and posted  
at the front door of the Court house of this County.

Teste-

H. J. Morgan. D.C.



Lee County, to wit:

This day Henry S. Morgan came before  
the undersigned a Justice of the peace, in and for said  
County, and made oath that he posted on the front door  
of the Court house of Lee County, on the 9<sup>th</sup> day of  
May, 1861, a copy of the foregoing order. Given under  
my hand this day of

1861  
C.C.

J. A. H. H. H. H. H.

or  
or  
or

Joseph H. Graham and wife

Order Book No. 1



Virginia,

At Reel's held in the clerk's office of the circuit court of Lee County, on Monday the 5<sup>th</sup> day of December 1853.

Christian M. France and Mary B. his wife, Abelard R. Dickinson and Emily B. his wife, Benjamin D. Martin transferee of Elbert S. Martin and Martha A. his wife and Benjamin D. Martin and Edwin Dickinson transferees of Benjamin Childs and Feltia his wife, the said Mary B. France, Emily B. Dickinson, Edwin Dickinson, Martha A. Martin and Feltia Childs being the children and heirs at law of Benjamin Dickinson deceased, the said Edwin Dickinson being an infant under twenty one years of age  
Sued by William S. Martin his next friend and Guardian  
Complainant  
against

Joseph D. Graham & Wife Defendants

The object of this Suit is to obtain a decree permitting the complainants to prove fully the contents of a lost deed in the complainants bill mentioned, and that said deed be set up, and ordered to be recorded by this court. And it appearing by satisfactory evidence that the defendants are not residents of this Commonwealth. It is ordered that they appear here within one month after here publication of this order and answer the bill of the complainants, or do what is necessary to protect their interests, and that a copy of this order be forth with indented in some newspaper published in this Commonwealth for four successive weeks and posted at the front door of the courthouse of this county. Attest

J. W. S. Morrison Clk



Lee county court.

This day S. W. S. Morrison came before the undersigned Justice of the Peace in and for Said county and made oath that a copy of the foregoing order has been duly posted at the front door of the Court House of Lee county. Given under my hand this 6<sup>th</sup> day of December 1853  
S. S. Crockett S.P.

B. Dickins and others

vs  
D. D. Crockett and others

Not entered



The Deposition of William S. Martin taken pursuant to notice at  
the 4th day of March 1867, at  
the clerk's office of the circuit court of Lee county which when taken  
is intended to be read as evidence in a chancery cause in the circuit  
of said county pending between the Heirs of Benjamin Dickinson Dec.  
Plaintiff and Joseph D. Graham and Wife Defendants taken before  
Henry J. Morgan comr. of the said Court to be read as evidence for  
the Plaintiffs

The said William S. Martin a witness of lawful age being duly  
sworn deposes and says

That he was present at the time Benjamin Dickinson bought  
of Joseph D. Graham the land in the bill mentioned, or rather the land  
on which John Herrell now lives which he believes to be the same land  
mentioned in said Bill, That witness present impression is that  
said Joseph D. Graham sold the said Dickinson Three undivided shares  
out of four of said land; That the remaining share of said land was owned  
by the wife of Pearce S. Rutheford, who either before or since said  
sale, sold that interest to said Dickinson also Witness present  
recollection is that said Dickinson at the time he bought said land of  
the said Graham also bought of said Graham a lot of hogs and corn  
and that for said land hogs and corn said Dickinson was to pay about  
the sum of \$2000—

Witness further States that his present recollection is that some  
time in the year 1857. or 1852 in the month of September He was  
present in the clerk's office of Lee county and saw the defendants sign  
and heard them acknowledge a deed conveying to said Dickinson  
the land which he had previously bought, above referred to, And  
that said Dickinson was at the time of the execution of said deed  
sick and witness recollects that he carried said deed to said Dickinson  
in order to let him see whether said Deed was such as said Graham  
was to make him, which on being seen satisfied said Dickinson  
and witness then brought said deed back to town and deposited  
said deed with J. W. Morison the then clerk for record, Witness  
impression is that said Morison wrote said deed, and that the defendants



acknowledged the execution of said deed before him ~~the said~~ Morison

(Witness's further recollection is that the said deed conveyed all the right title interest and claim in and to said land whether inherited or ~~by~~ <sup>by</sup> acquired by the said Graham by purchase;

And further this deponent saith not.

Wm S. Martin

And no other witness appearing on this day the further taking of these depositions is adjourned until Thursday the 11th day of April 1867 <sup>at the same place.</sup> This March 4th 1867.

Henry J. Morgan Comr.

April 11th 1867. Met pursuant to adjournment at the same place.

And the said witness William R. Graham, of lawful age, after being first duly sworn deposes as follows:

Joseph D. Graham was the son of James Graham; James Graham departed this life many years ago, intestate, seized of certain real estate in Lee County, Virginia, and left four children and heirs-at-law, the said Joseph being one; the said Joseph afterwards bought out two other shares in the real estate of his said father, and was then, as I believe, the owner of three shares, or three fourths thereof, (one fourth by inheritance and two fourths by purchase); and afterwards the said Joseph sold his interest therein, (the said three fourths) to Benjamin Dickinson now deceased about the year 1852 if I am not mistaken as to said date; I know that said Joseph and his wife came to town (Jonesville) to execute and acknowledge a deed thence to the said Dickinson, and it was always my

~~Knowledge~~ <sup>understanding</sup> that a deed was executed and acknowledged by them to Dickinson at that time; and I know from conversations had with the said Joseph D. Graham that the purchase money of the said three fourths of the said land was fully paid to the said Joseph by the said Benjamin Dickinson.

I find on examination of Deed Book No. 7, pages 18, 19, and 20, two deeds executed by Jacob M. Patent and wife, Leontia Patent, to the said James Graham (father of Joseph) for the lands of which the said James died seized, three fourths of which the said Joseph sold to the said Dickinson - one of the said deeds is dated the 17th day of January 1834, and the other is dated the 17th day of January 1834 also. These two deeds embrace the lands of the said James Graham at his death, and the metes and bounds thereof can be more definitely ascertained by reference to the said deeds. And further this deponent saith not.

William R. Graham

Virginia Lee County Court

I do hereby certify that the foregoing deposition of William S. Martin and William R. Graham was taken sworn to and subscribed by each of them at the times and place and for the purposes mentioned in the caption Given under my hand the 11th day of April 1867.

Henry J. Morgan Comr. in ch.  
in Circuit Court of Lee County



Benj Dickinson heirs

vs { Deposition

Joseph D. Graham wife

Taken before me as comr and  
filed April 11th 1867

Henry Morgantle

Comrs Fee for this Depo is \$1.50

Fee bill chs 154



Lee County to wit

Benjamin D. Martin personally appeared before  
the undersigned deputy clerk of Lee County, and made oath  
that Joseph D. Graham and Wife are not citizens of  
this commonwealth.

Given under my hand this 21<sup>st</sup> day of March 1864

H. J. Morgan, D. C.



B. Dickinson's Heir  
or Zeffidant

Jos. D. Graham

Ch 154



Benjamin Dickinson's heirs plffs. }  
against } In Chy  
Joseph D. Graham et als defts

Your undersigned Commissioner  
beg. leave to report that in obedience  
to a decree rendered in the above  
cause at the present term of <sup>this</sup> Court  
he conveyed by deed with special  
warranty to the heirs of Benjamin  
Dickinson deceased ~~the lands in~~  
the proceedings mentioned, being the  
same conveyed by Joseph D. Graham  
and wife to the said Dickinson in  
his lifetime, which deed your court  
acknowledge, and here with submits  
for inspection respectfully submitted  
&c.

Arthur L. Pickens  
Clerk.



to. Dickinson line et al

or } Cedar Report

Joseph D. Graham et al

April 5. 1869



1853 Nov. Bill filed & contd.

Decr. Continued

1854 Continued this year

1855 Continued this year

1856 Continued this year

1857 Continued this year

1858 Continued this year

1859 Continued this year

1860 Continued this year

1861 Jan Feb Mar April

& May Continued &

order publication

June - Continued for Pub.

" July Continued for same

" Aug. Continued for same

" Sept. <sup>ord. Pub. Confirmed</sup> Contd. <sup>and Decr</sup> Nov

Nov. and Decr. Continued

1862 Jan. Contd. Feb. March

& April Contd. May June

July Aug. Sept. Oct. Nov.

Decr. Contd.

1863 Jan Feb March April May June July Aug. Sept. Oct. Nov.

and Decr. Continued,

1864 - Continued this year

1865 - Continued this year

1866 - Jan. Feb. March, April May June July Aug. - Continued

Sept. Rules - Set for hearing by the complainants

Sept Term. Contd.

1867 April - Continued

Sept - Continued

1868 April Contd.

Sept Contd.

1869 April - Decr. Final



Virginia Lee County to-wit:

Personally appeared Albert S. Martin, in the foregoing Bill mentioned, and made oath in due form of law that the facts therein stated are true to the best of his knowledge, information and belief. Sworn to before me, the 12th day of <sup>September</sup> April 1867.

Henry J. Morgan Clerk



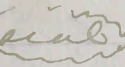
Whereas, the heirs of Benjamin Dickinson deceased, heretofore filed a bill in Chancery in the Circuit Court of Lee County, for the purpose of setting up and proving, a certain deed of Conveyance, <sup>of land</sup> alleged to have been made, by Joseph D. Graham, and Graham his wife to Benjamin Dickinson in his lifetime; which deed the plaintiffs alleged in their bill conveyed unto the said Benjamin Dickinson, all of the <sup>right title & interest</sup> of the said Joseph D. Graham & wife, in and unto, several adjoining tracts of land lying and being in Lee County and the north side of Walding Ridge and south side of Powells River, which had descended to the four heirs at law of James Graham deceased. The said Joseph being one of the said heirs; and he having then purchased the interest of two of the said heirs, namely William Graham and Elisha V. Culling, and Jane his wife formerly Jane Graham, so that the said deed alleged to have been made to the said Benjamin Dickinson by the said Joseph D. Graham & wife conveyed in fee simple the undivided three fourths, of the land descended to the said Joseph, and purchased as aforesaid which deed, which deed is also alleged to have been regularly acknowledged by the said Joseph D. Graham & wife, as adjudicated by a



a decree in said cause, and the said land thus conveyed is proven to have been, the same whereon John Hatterrell lived on the 4<sup>th</sup> day of March 1867.

And by a decree in the said cause, Auburn L. Pridemore has been appointed a special Commissioner in said cause, for the purpose of conveying by deed to the heirs in the said chancery cause, the fee simple to the lands undivided three-fourths of the said lands, as in the proceeding mentioned

wherefore in pursuance of said decree, The said Auburn L. Pridemore Commissioner as aforesaid doth grant and convey, with special warranty, unto the legal heirs of Benjamin Dickinson deceased, the undivided three-fourths of said tracts of land conveyed as aforesaid by Joseph L. Graham and wife, to Benjamin Dickinson deceased. Witness the following signature and seal this 1<sup>st</sup> day of May 1869.

Auburn L. Pridemore 

Lee County Court, Clerk's office, May 1st 1869. The foregoing Indenture of bargain & sale for land between Auburn L. Pridemore, a special Commissioner of the Circuit Court of Lee County for the purpose named therein, of the first part, and the Heirs of Benjamin Dickinson dead of the other part, was this day acknowledged before me by the said Pridemore, Commissioner, as aforesaid & the said deed being duly stamped, is admitted to record.

Teste, J. B. West, D. Clerk

acknowledged before me this 1st day of May 1869.

J. B. West D. Clerk County Court  
Lee Co.



662.

L. Dickinson Court.

To Deed.

B. Dickinsons heirs.

Recorded in Deed Book

No 16 P 59. & 60.

John B West. D.C.



The Commonwealth of Virginia,

TO THE SHERIFF OF LEE COUNTY—GREETING:

WE COMMAND YOU TO SUMMON

*Joseph D. Graham, and his wife*

to appear before the Judge of the Circuit Court of Lee County, at the Court House, in the Clerk's Office, at

*May* Rules next, to answer a Bill in Chancery, exhibited in our said Court against them by Christian M. France, and Mary E. his wife, Abraham D. Dickinson and Emily C. his wife, Benjamin D. Martin, transferee of Elbert S. Martin, and Martha A. his wife, and Benjamin D. Martin, and Edwin Dickinson transferees of Benjamin Childs and Letitia his wife, the said Mary E. France, Emily C. Dickinson, Edwin Dickinson, Martha A. Martin and Letitia Childs being the children and heirs at law of Benjamin Dickinson deceased; the said Edwin Dickinson being an Infant under twenty one years of age. sued by William S. Martin, his next friend and Guardian.

And have then there this writ. Witness, RICHARD M. HAMBLIN, Clerk of our said Court, at the Court House,

this 19<sup>th</sup> day of April 1867, in the 55<sup>th</sup> year of the Commonwealth.

*Henry J. Morgan. D.C.*



B. Dickinson Maine

18 } Spa in Chy

Joseph D. Graham

May Rules 1861

Not Executed the  
Depts being non-  
residents of this  
Commonwealth.

J. J. Bishop



Benjamin Dickinson's heirs and others, Plff's  
vs.

Joseph D. Graham and wife, Defendants.

IN CHANCERY.

Notice is hereby given the defendants, who are non-residents of this Commonwealth, that on the 4th day of March, 1867, and succeeding days, if necessary, at the Clerk's office of the Circuit Court of Lee county, Virginia, in the town of Jonesville, the plaintiffs will proceed to take the depositions of William S. Martin and others, to be read in evidence at the hearing of a certain suit now depending on the equity side of said Court, wherein the heirs of Benjamin Dickinson and others are plaintiffs, and the said Joseph D. Graham and wife are defendants.

B. D. MARTIN, and others,  
Oct. 19. 1866—4w Plaintiffs.



VIRGINIA, Washington County, to wit:

I do hereby certify that the annexed notice has been published, four weeks successively, in the ABINGDON VIRGINIAN, a newspaper printed in the town of Abingdon and State aforesaid.

Given under my hand 12<sup>th</sup> Decr 1861

Printer's fee, \$

Geo. W. B.   
 Jr. Ed. Virginian

**VIRGINIA** :--At Rules held in the Clerk's office of the Circuit Court of Lee county, on Monday, the 6th day of May, 1861:

Christian M. France and Mary E. his wife, Absalom R. Dickinson and Emily C. his wife, Benjamin D. Martin, transferee of Elbert S. Martin and Martha A. his wife, and Benjamin D. Martin and Edwin Dickinson, transferees of Benjamin Childs and Letitia his wife, the said Mary E. France, Emily C. Dickinson, Edwin Dickinson, Martha A. Martin and Letitia Childs being the children and heirs at law of Benjamin Dickinson, dec'd, the said Edwin Dickinson being an infant under twenty-one years of age, sues by William S. Martin, his next friend and guardian,

Complainants,

AGAINST

Joseph D. Graham and wife.

Defendants.

IN CHANCERY.

The object of this suit is to obtain a decree permitting the complainants to prove fully the contents of a lost deed in the complainant's bill mentioned, and that said deed be set up and ordered to be recorded by this Court: And it appearing by satisfactory evidence that the defendants are not residents of this Commonwealth, it is ordered that they appear here within one month after due publication of this order, and answer the bill of complainants, or do what is necessary to protect their interest, and that a copy of this order be forthwith inserted in some newspaper published in this Commonwealth, for four successive weeks, and posted at the front door of the Court House of this county.

A Copy. --Teste.

HENRY J. MORGAN, D. C.

May 21, 1861--1w



VIRGINIA:

WASHINGTON COUNTY, TO WIT:

I do hereby certify that the annexed Notice has been published  
*under my hand* *spring 1866*  
*four weeks successively* in the "ABINGDON VIRGINIAN," a  
newspaper published in the town of Abingdon, Va. Given  
under my hand this *8<sup>th</sup>* day of *March* 1866.

*Geo. P. Baker,*  
*Jr. Ed. "Virginian"*

Benjamin Dickinson's heirs and others, Plffs.,  
vs.

Joseph D. Graham and wife, Defendants.

IN CHANCERY.

Notice is hereby given the defendants, who  
are not residents of this Commonwealth, that  
on the 4th day of March, 1867, and succeeding  
days, if necessary, at the Clerk's office of  
the Circuit Court of Lee county, Virginia, in  
the town of Jonesville, the plaintiffs will pro-  
ceed to take the depositions of William S. Mar-  
tin and others, to be read in evidence at the  
hearing of a certain suit now depending on  
the equity side of said Court, wherein the  
heirs of Benjamin Dickinson and others are  
plaintiffs, and the said Joseph D. Graham and  
wife are defendants.

B. D. MARTIN, and others,

Oct. 19. 1866—4w

Plaintiffs.